

FILED

2016 APR 21 PM 1:18

U.S. DISTRICT COURT
MIDDLE DISTRICT OF TN

IN THE UNITED STATES DISTRICT COURT
FOR THE _____ DISTRICT OF _____
_____ DIVISION

(Write the District and Division, if any, of
the court in which the complaint is filed.)

Zalando Faye Barnes

(Write the full name of each plaintiff who is filing
this complaint. If the names of all the plaintiffs
cannot fit in the space above, please write "see
attached" in the space and attach an additional
page with the full list of names.)

-against-

Jeff Devine, Janice McKinley,
Universal Health Services d/b/a
Oak Plains Academy, India Coney
(See attached)

(Write the full name of each defendant who is
being sued. If the names of all the defendants
cannot fit in the space above, please write "see
attached" in the space and attach an additional
page with the full list of names.)

**Complaint for Employment
Discrimination**

Case No. _____
(to be filled in by the Clerk's Office)

Jury Trial: ☐ Yes ☐ No
(check one)

Defendants(cont.)

Charvelle Smith

(931) 561 8241

Stephanie D. Williams

931 494-6672

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name Zalando Barnes
Street Address P.O. Box Mail 1477 Tiny Town Rd
City and County Clarksville
State and Zip Code IN 37042
Telephone Number 321 697 8016
E-mail Address _____

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name Jeff Devine
Job or Title _____
(if known) _____
Street Address _____
City and County _____
State and Zip Code _____
Telephone Number _____
E-mail Address _____
(if known) _____

Defendant No. 2

Name Tanice McKinley
Job or Title MHA
(if known) _____
Street Address _____
City and County _____

State and Zip Code

Telephone Number

E-mail Address
(if known)

901 336-5874

Defendant No. 3

Name

Job or Title
(if known)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address
(if known)

India Coney
MHA - Mental Health Associate

931 993 6523

Defendant No. 4

Name

Job or Title
(if known)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address
(if known)

Bonnie Hudson

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is:

Name

Street Address

City and County

State and Zip Code

Telephone Number

Oak Plains Academy

1751 Oak Plains Rd

Ashland City

TN 37015

931 362-4723

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to (*check all that apply*):

- ☒ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☐ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

- ☐ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☐ Other federal law (*specify the federal law*):

- ☐ Relevant state law (*specify, if known*):

- ☐ Relevant city or county law (*specify, if known*):

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes *(check all that apply)*:

- ☐ Failure to hire me.
- ☒ Termination of my employment.
- ☐ Failure to promote me.
- ☐ Failure to accommodate my disability.
- ☒ Unequal terms and conditions of my employment.
- ☒ Retaliation.
- ☐ Other acts *(specify)*: _____

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)

C. I believe that defendant(s) *(check one)*:

- ☒ is/are still committing these acts against me.
- ☐ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my *(check all that apply and explain)*:

- ☐ race _____
- ☐ color _____
- ☐ gender/sex _____
- ☐ religion _____
- ☐ national origin _____
- ☐ age. My year of birth is _____. *(Give your year of birth only if you are asserting a claim of age discrimination.)*
- ☐ disability or perceived disability *(specify disability)*

E. The facts of my case are as follows. Attach additional pages if needed.

I had previously spoken with my employer about harassment at work and to the best of my knowledge they were supposed to take care of it. I had went to them and told (them) Mr. Bonnie Hudson, Carrie Lovette and Jeff Devine (CEO). I told them I planned to leave.
seperate sheet (cont.)

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on (date)

- B. The Equal Employment Opportunity Commission (check one):

- ☐ has not issued a Notice of Right to Sue letter.
☒ issued a Notice of Right to Sue letter, which I received on (date)

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct (check one):

- ☐ 60 days or more have elapsed.
☐ less than 60 days have elapsed.

(cont.)
I stated, to them my concerns about what was going on at the job. Like, India Coney following me around the unit, even though she's in charge and even after my asking her not to, she continued to do it. I also told them about being threatened with job abandonment anytime I could not stay over as well as the complete and utter disregard for my time once my shift is complete. Numerous times I told them and even called Mr. Jeff Devine (no contact) and Mr. Ronnie Hudson who answered several times over my having being forced to stay over and the staff, one in particular (Janice McKinley) making a joke out of it laughing and sneering. This went on for a couple of weeks. Overall, they asked me to stay around for a while until they could hire new people and they stated they could not afford to lose me. On the account of what took place shortly thereafter in the next couple of weeks with my termination left me in a deep state of shock and a complete financial disaster. I was asked to do a job that I did not agree with, but I told them I did not agree and that I would fight them if things went south and they did. So here I am to recover some relief in this matter.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

I Zalando Barnes ask for relief from the harassing and intimidating acts from employees of Oak Plains Academy. I have been being following for months since the date of the incident (Feb 2, 2015) and my car has been hit and tires always messing up (see separate sheet)

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: April 21, 2016

Signature of Plaintiff

Printed Name of Plaintiff

Zalando F. Barnes
Zalando F. Barnes

Relief cont.

I was contacted by an employee of Oak Plains asking me out to lunch and I did go, because I thought we were on a good note anyhow, I walked back to the table and noticed she was looking at my cell phone and speaking to someone on the phone. I said who were you talking to she said no one. This was June 1 the day I had my unemployment appeal in which I received because employer did not show up. Just the day before May 31 I was approached in church by another employee "she stated Oak Plains Academy were doing call backs and I was on the list. She said, I should go get the letter they were trying to send to me. Well, I did the morning of the 1st and it was another rejection of my unemployment appeal. I had won the appeal anyway as I showed up and told them my side of the story. I was only trying to do my job and I stated this at the appeal it won me my case! During these times I lost out on full pay wages totaling about \$9,000. Also I was only getting \$988 in unemployment when I could have met full pay. I was seeing employees everywhere even though I no longer worked there.

Punitive Relief (cont.)

I am asking for \$50,000 to will me back to a state of consistency and to curb in the behavior of this employer and its employees of engaging in such ever again. The harassing behaviors must stop. Compensatory damages in the amount of \$20,000 as a single mother it was my ~~job~~ duty to provide for my family and that ~~is~~ what led me to speak with my employer before all of this took place as I was seeking relief. They asked me to hold off to wait until they hired others in this process of lost my job and no relief was given. They even fought my unemployment which hit me hard having to go back and forth with them. I am also still having problems with people following me, so I have to find different routes to take.

B. For Attorneys (None) Z. Balmez

Date of signing: _____, 20__.

Signature of Attorney _____

Printed Name of Attorney _____

Bar Number _____

Name of Law Firm _____

Address _____

Telephone Number _____

E-mail Address _____